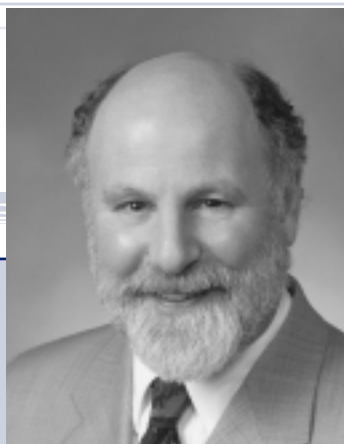




Washington State Senate



Senator Adam Kline

37TH LEGISLATIVE DISTRICT • DECEMBER 2001

Keep in Touch!

Olympia Address:
431 John A. Cherberg Building
P.O. Box 40437
Olympia, WA 98504-0437

Olympia Phone:
360-786-7688

Olympia Fax: 360-786-1999

Toll-free Legislative Hotline:
1-800-562-6000

TTY: 1-800-635-9993

E-mail: kline_ad@leg.wa.gov

Happy New Year, Now Let's Get Moving

We're in for heavy weather. I have that feeling come over me, of dread and tightly-controlled fear, that I recall from my days as a seaman: that eyes-widening, stomach-churning dread that I recall from my first storm in the North Atlantic, when massive gray swells lifted our ship up, up, and then sickeningly down. For the first time since you sent me down here to Olympia, I am not looking forward to this. This is going to be a truly ugly session. It's the Budget. I'm on the Ways and Means Committee. I take this job personally.

Thanks to several wildly misguided tax-cutting initiatives over the past two years, and an economic recession, we are now about to resolve an imbalance in the General Fund, variously estimated at between \$1.2 and \$1.8 billion, depending on the forthcoming economic forecast. Some of that imbalance may be resolved by closing loopholes in our tax structure, though our Governor made an early promise that there would be no rate increase in the major taxes. Some of that imbalance, as much as a half-billion, may be resolved by reducing programs that were meant to help people who are not wealthy, at a time when it seemed that only the wealthy could buy homes in Seattle, send their children to college, and do what ordinary wage-earners used to be able to do not so many years ago.

It was a skimpy Budget we cobbled together in 2001, what with the House gridlocked and our members hearing from their Tax Whiners back home. We skimped on social services, raised college tuitions, failed to insure all our children's health coverage, and did not have enough to raise the pay of all teachers. We cut personnel for environmental enforcement, and failed to agree on a Transportation Budget beyond existing revenues. Now we're going to go back into that Budget and cut out another half-billion from the few investments we felt free to make last year in the lives of ordinary people.

By investments, I mean those relatively small amounts we spend now in proven programs that we know help people avoid significant problems in their lives (drug use, teen pregnancy, prison, unemployment, illiteracy, domestic violence, substance abuse, to start the list), problems which if not avoided will cost us plenty later in prison or emergency room or other costs—and that's not to mention the personal costs to the people involved and others. Sometimes politicians disagree over which programs work, and yes, some politicians don't care or want to know. But most of the time we use common sense, and favor those that work over those that don't. The programs that survived our penny-pinching last year were the best, the most effective. We couldn't fund them well. Now we're going to cut perhaps another half-billion. And if we close tax loopholes as much as we can, and cut programs as little as we can, I'm going to vote for that.

This is my sixth session here, and for the first time I almost want to give up my seat on Ways and Means, normally a much-coveted assignment. I'm already hearing from good people, some who are beneficiaries of these programs and some who are their advocates, pointing out that the few dollars they got last year are an effective investment, and my answer is yes, and we may have to cut it. It's not because we're stupid or don't care; it's because we don't have the money.

There are those among us who hate government, who refuse to pay their dues. They do not have to sit on Ways and Means. I wish they could be sentenced to an hour in my seat.

So that's the news from Lake Woebegone. And here's the rest of the newsletter:

- » information on the Governor's and Attorney General's bills on Terrorism, and how we're re-writing them;
- » my Number One priority, Drug Offender Sentencing
- » "Credit Scoring," a new threat from the insurance industry.

Don't get me wrong. *I still love this job.*

Yours truly,

Adam Kline



Redlining Revisited: This Time It's Insurance

Remember a few decades ago, when we had to fight the banks over “redlining,” the banking industry’s practice of refusing to lend mortgage money in certain parts of town? It’s back, this time from our friends the insurance companies. No, it’s not specifically aimed at minority neighborhoods, but it will have much the same effect. It’s aimed at folks with credit problems.

No law prohibits an auto or homeowners insurance company from checking out your credit before issuing a policy on your home or car, or before quoting a premium rate. For many years, they checked credit only when a customer seemed questionable for reasons that really have to do with risk: say, the past driving record of an applicant for auto coverage, or the economic stability of a small business owner seeking a commercial fire policy. No problem there.

Recently, though, the companies have started to seek credit information regularly on all comers, and to use it routinely as a factor in deciding whether to insure all applicants for auto and homeowners coverage. The Insurance Commissioner reports that the companies vary in how they apply the information, but almost all companies apply it routinely in one way or another. No company uses it as a sole determining factor; most use some mathematical formula in which the “credit score” has some weight in the ultimate decision, whether to issue the policy. Some companies issue policies to applicants with bad credit only through a “high-risk” subsidiary, at a higher premium.

The companies state that there is a direct statistical link between financial stability and the actual risk insured (the driver’s risk of collision; the home’s risk of fire or of disrepair leading to liability). But evidence supporting this claim has been slow in coming, despite our Commissioner’s demands. Most likely, there is indeed some small sub-set of folks out there whose personal disorganization leads them to both bad credit and bad driving. But should the carriers be allowed to jack up rates for all of us who have ever experienced the credit problems that come with divorce, illness, or other personal crises, or just economic recession? I don’t think so.

For one thing, our state law now requires all of us to carry auto liability insurance, in the minimum coverage of \$25,000. We tell folks you *have* to have it, and the companies tell folks you can’t have it unless you’re regular in paying your bills. Most folks who are juggling bills aren’t doing it for fun and games. They’re not doing it because they like reading eviction notices, threatening letters, and lawsuits. They’re juggling bills because—guess what!—they don’t have the money. That’s right, you read it here: we are not all middle

class. For folks on the margin, all it takes is for Mama to get sick, or for Boeing to cut 30,000 jobs, and bingo, no insurance.

No insurance, and still gotta drive. Gotta take Mama to the doctor, gotta drive to job interviews. Driving means exposure to risk. Driving means *your* exposure to risk, because now the person who hits you may be both not middle class and not insured. Yes, this is your problem too.

I have been supporting legislation to minimize the effect of credit scoring by the insurance industry. We don’t yet have it filed as of this writing, so we don’t have a bill number, but you can always call me for the details.



Getting Real About Treating Drug Addicts

I said it in my last newsletter, and let me say it again: my Number One priority this year is passing a bill requiring that drug offenders who are addicts get treatment. We have for too many years been fighting a “War on Drugs” that is in reality a war on sick people, that criminalizes behavior that ought to be and can be treated, that breaks up families, that needlessly sends young men to live for years with hardened criminals, that tears apart the already weakened social fabric of our society, and that costs money better spent on schools and health care at a time when we are cutting both. We have ignored the growing science of addiction treatment in favor of a mindless reliance on punishment. We have demonized addicts as predators seeking to deal drugs to our children, though the vast majority deal only to satisfy their own ache for a fix. We have spent decades marching in the wrong direction, and some of us are proud of it. I’m not.

As Chair of the Senate Judiciary Committee, I have spent the last two months, with increasing intensity, co-chairing a roundtable discussion group composed of prosecutors, defense lawyers, judges, the Secretary of Corrections, drug treatment professionals, the ACLU, the Asst. Secretary of DSHS for Drug and Alcohol programs, and representatives of various other professional groups. As I write this in the first week of the legislative session, we have completed a bill and filed it in both the Senate and House. The House version is sponsored by my partner in this enterprise, Rep. Ruth Kagi (D, Shoreline).

We anticipate the usual conservative harping that any reduction in sentences—we have a two-year mandatory minimum—is evidence that we’re “soft on crime.” (Sure. So are the prosecutors and the Secretary of Corrections, who are so far on board.) Of more immediate importance is the money to fund drug treatment, without which we have no bill. We have spoken with the chairs of the fiscal committees, Senate Ways and Means and House Appropriations, seeking

assurance that their plan to cut \$1.5 billion or so from the Budget will, like the Angel of Death, pass over the humble abode of us Israelites. (*Okay, we prayed.* *) As I write this in mid-January, we have no concrete assurance, just a willingness to see if they can let us keep the savings from reduced incarceration and apply it to pay for treatment. Our plan would save less than \$1 million in the remaining year of this two-year budget cycle, but \$13 million in the next (2003-05) and \$26 million in the second full cycle (2005-07), and on up from there.

My hope, eventually, is to generate and keep enough money to pay for treatment not only of those convicted of drug offenses, but of those convicted of any offense who are addicts and who will some day be released back to the streets. (That will take an amendment, once the money is secure.) Given my druthers and enough commitment, we could attain treatment on a sliding-scale basis for all who suffer addiction, whether or not criminally involved. One may well ask, why have any criminal prosecution of drug use alone—why not make plenty of room in our prisons for the drug entrepreneurs, smugglers, and other true predators. If we are to truly fight the addiction and not the addict, we must be prepared financially to expand the scope of this engagement and to intensify it with better-trained and better-paid treatment professionals, as well as police. If drug use is an epidemic, then we should treat it like one.

If drug use is an epidemic, then we should treat it like one.

To achieve even a small first step at a time when government at all levels is being scaled back—rather, being torn down for lack of funds—I believe we are calling for an act of will by our colleagues. We are asking them to state—not just in words, but in dollars—that the act of saving our fellows from addiction is of sufficient meaning that it should have

government's attention even while government is being diverted and demeaned by those who simply refuse to pay their dues to the greater community. We are asking a lot. I hope to tell you this spring that we have delivered.

* *A true story:* Last year, when my colleague, Sen. Lisa Brown (D, Spokane) was appointed Chair of the Ways and Means Committee, I came to her office, prostrated myself on the floor, and bowed three times in the manner of the ancients. I promised her that I would not be an expensive committee chair, like that of the Health Care Committee or that of Higher Ed, but a real cheap one. All she had to give me was a few million for drug treatment and I'd be happy. She laughed so hard she almost knocked over a potted plant on me. But guess what? So far, it seems to be working.



Civil Liberties and Public Security

Every now and then, major events force Congress and the states to re-engage in the ongoing debate over the relationship between governmental power and the rights of individuals to be left alone. It is by now a cliché to say that the events of September 11 have forced a re-evaluation of this relationship. The debate will hopefully never end, for it is about adjusting a relationship that needs constant adjusting, and that in turn requires open and robust debate. We have an ordered and working democracy because we pay attention to it.

The debate will be heard loud and clear in the Senate Judiciary Committee, which will hear legislation proposed by Governor Gary Locke and Attorney General Christine Gregoire on the subject of anti-terrorism measures. The proposals reached the committee just as this newsletter went to press, and so it is too early to tell specifically what will result. There is much to commend in their proposal, which addresses gaps in our criminal code, and which would protect sensitive documents. However, even a preliminary review of the Governor's and Attorney General's first draft shows a few conflicts that must be resolved between competing considerations of public security and civil liberties.

One proposal concerns our criminal law, and would define a new offense—"Terrorism"—in three separate degrees of seriousness. The actual behaviors which might constitute these crimes are already crimes. The difference is that a terrorist act would be committed with the intent to "use a weapon of mass destruction, or to cause substantial damage to a habitable structure or to critical infrastructure with the intent to intimidate or coerce a civilian population or to affect the conduct of a government or unit of government."

One question is whether this definition of "terrorist intent" is too broad, and would allow much more serious criminal charges to be brought against people—already subject to prosecution under current law—whose crimes are committed not in the name of some foreign entity, but as acts of civil disobedience in protest against a policy of government, whether federal, state or local.

Having been jailed for various acts of civil disobedience myself, I am not willing to enlarge the power of government to use the criminal process against protesters. And yet, as a firm believer in the responsibility of protesters to be peaceful, I am not willing to see good causes tainted by the criminal acts of those few who aren't. The hooligans who spray-painted Seattle during the WTO protests did no service whatsoever to those in the environmental and labor communities who had marched earlier that day. Perhaps they deserved some jail time, but were they "terrorists" deserving extended sentences? I don't think so.

Continued on page 4

Continued from page 3

Another proposal would exempt from the Public Disclosure Act three entirely new categories of documents. I would quote the proposal here, but they're boringly vague, and that's the point. Our Public Disclosure Act, like the federal Freedom of Information Act, is based on the policy

We have an ordered and working democracy because we pay attention to it.

that the American public will support democratic institutions so long as we know what those institutions are up to, and can check up on them. Information about the workings of government is to be made freely available, and any exemptions must be stated clearly, simply, and most importantly, with good reason.

I am willing to agree that when the Federal Bureau of Investigation alerts our state's governor and state patrol

to a suspicious group, or to a particular threat, that information should be exempt from disclosure. But let's specify what kind of information, given to which state

agencies, and from which federal agencies. Let's tailor the exemptions so they're the least restrictive of the flow of information, while protecting state operations that require some degree of secrecy.

It's too early to tell what the legislature will do, and maybe that news will be in the papers by the time you read this. But I can tell you that as the Chair of the Judiciary Committee, I am resolved to balance our state's legitimate security needs with those freedoms that have made this country a very different place. In the debate that surrounds this process, I will try to cut short the usual flag-waving and super-patriotic nonsense, and to recognize the true patriotism of all those who will enter this American debate in good faith.

I love this job.

Let me hear from you

Sen. Adam Kline

P.O. Box 40437

Olympia, WA 98504-0437

Olympia phone: (360) 786-7688

Fax: (360) 786-1999

Web page:

www.sdc.wa.gov/kline.htm